

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

J-SQUARED TECHNOLOGIES, INC., a Canadian)
corporation, and J-SQUARE TECHNOLOGIES)
(OREGON) INC., an Oregon corporation,)
Plaintiffs,)
v.) C.A. No. 04-CV-960-SLR
MOTOROLA, INC., a Delaware corporation.)
Defendant.)

EXHIBIT 23

YOUNG CONAWAY STARGATT & TAYLOR, LLP
William W. Bowser (Bar I.D. 2239)
The Brandywine Building, 17th Floor
1000 West Street
Wilmington, Delaware 19801
wbowser@ycst.com
OF COUNSEL: Randy Papetti, Richard A. Halloran,
Cory A. Talbot, Emily S. Cates
Lewis and Roca LLP
40 N. Central Avenue, Phoenix, Arizona 85004
Attorneys for Defendant

DATED: April 13, 2006

Page 1 of 2

Tolene, Samantha

From: Robinson Dennis-BLUW119 [dennis.robinson@motorola.com]
Sent: Thursday, January 29, 2004 12:22 AM
To: Blair Julie-C17394
Cc: Crawford Kim-SCN105; Guibor Nina-Q10503
Subject: RE: mr performance data
Attachments: ES West performance criteria.xls; J2NW performance criteria.xls

I put in yearly cumulative numbers only as I do not have them broken out by quarter.

A separate spreadsheet is attached for J Squared and ES West.

Regards,

Dennis

-----Original Message-----

From: Blair Julie-C17394
Sent: Wednesday, January 28, 2004 9:11 AM
To: Robinson Dennis-BLUW119
Cc: Crawford Kim-SCN105
Subject: RE: mr performance data

thanks, I will be out of the office thurs and fri. Please cc Nina Guibor so she can update our master file.
 Thanks!

-----Original Message-----

From: Robinson Dennis-BLUW119
Sent: Wednesday, January 28, 2004 10:04 AM
To: Blair Julie-C17394
Cc: Crawford Kim-SCN105
Subject: RE: mr performance data

Hi Julie,

I am traveling now, and out of the hotel now. I will be able to re-connect late tonight. You should see an e-mail by then.

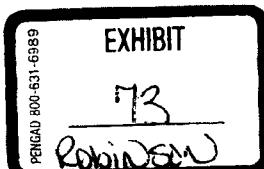
Thanks,

Dennis

-----Original Message-----

From: Blair Julie-C17394
Sent: Wednesday, January 28, 2004 8:37 AM
To: Robinson Dennis-BLUW119
Subject: mr performance data

Dennis, I understand Kim has already discussed needing your help filling in the blue sections. This is the performance criteria right from ES West and J2 NWs contracts, Exhibit 4. If you don't have the "by quarter" results, at least fill in the cumulative as of Jan04 in column H



MOTJ 01617

8/26/2005

73

Performance Criteria per Exhibit 4

	2003		2003	
	<u>Jun - Aug</u>	<u>Actual</u>	<u>Sep - Nov</u>	<u>Actual</u>
Goal	Actual	Goal	Actual	
Uncommitted - cumulative	2		5	
Uncommitted - per quarter	0		3	
Committed - cumulative	0		1	
Committed - per quarter	0		1	
Design Wins - cumulative	0		0	
Design Wins - per quarter	0		0	
Total New Revenue - cumulative	0		50k	
Total New Revenue - per quarter	0		50k	

- A. In conjunction with MCG, participate/promote a minimum of 4 public seminars per year?
- B. In conjunction with Motorola and/or its distributors, participate in a minimum of one Motorola-sponsored territory specific sales promotion per year.
- C. Support Motorola's efforts at shows with promotion and personnel attendance.
- D. Submit monthly account update reports on lead follow up, account calls and other pertinent activity.
- E. Insure all sales personnel receive a minimum of 24 hours of training on MCG products and services. This may include recorded webinars and/or live training presented by Motorola.

<u>Goal</u>	<u>Actual</u>

Territory Revenue - to be achieved within 1 year from contract date

Goal Actual
contract start through Nov03

MOTJ 01619

2003/2004		2004		<u>MADE GOAL?</u>
<u>Dec - Feb</u>	<u>Actual</u>	<u>Goal</u>	<u>Mar - May</u>	
Goal	Actual	Goal	Actual	<u>YES or NO</u>
11		17	9	the math doesn't work, but this is what's in the contract
6		6		the math doesn't work, but this is what's in the contract
3		5	0	
2		2		
1		2	0	
1		1		
100k		250k	\$2,415,350	
50k		150k		

Performance Criteria per Exhibit 4

	2003		2003	
	<u>Jun - Aug</u>	<u>Actual</u>	<u>Sep - Nov</u>	<u>Actual</u>
Goal	Actual	Goal	Actual	
Uncommitted - cumulative	2		5	
Uncommitted - per quarter	0		3	
Committed - cumulative	0		1	
Committed - per quarter	0		1	
Design Wins - cumulative	0		0	
Design Wins - per quarter	0		0	
Total New Revenue - cumulative	0		50k	
Total New Revenue - per quarter	0		50k	

- A. In conjunction with MCG, participate/promote a minimum of 4 public seminars per year?
- B. In conjunction with Motorola and/or its distributors, participate in a minimum of one Motorola-sponsored territory specific sales promotion per year.
- C. Support Motorola's efforts at shows with promotion and personnel attendance.
- D. Submit monthly account update reports on lead follow up, account calls and other pertinent activity.
- E. Insure all sales personnel receive a minimum of 24 hours of training on MCG products and services. This may include recorded webinars and/or live training presented by Motorola.

<u>Goal</u>	<u>Actual</u>

Territory Revenue - to be achieved within 1 year from contract date 1.464m

2.5m

contract start through Nov03

Goal	2003/2004		2004		<u>MADE GOAL?</u>
	<u>Dec - Feb</u>	<u>Actual</u>	<u>Goal</u>	<u>Actual</u>	
11			17	6	the math doesn't work, but this is what's in the contract
6			6		the math doesn't work, but this is what's in the contract
3			5	6	
2			2		
1			2	4.5	
1			1		
100k		250k			
50k		150k		\$2,135,000	

YES

MOTJ 01622

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FOR THE DISTRICT OF DELAWARE

J-SQUARED TECHNOLOGIES, INC., a)
Canadian corporation, and J-SQUARE)
TECHNOLOGIES (OREGON) INC., an)
Oregon corporation,)
Plaintiffs,)
v.) C.A. No. 04-CV-960-SLR
MOTOROLA, INC., a Delaware corporation.)
Defendant.)

CERTIFICATE OF SERVICE

I, William W. Bowser, Esquire, hereby certify that on this 13th day of April 2006, I electronically filed a true and correct copy of the foregoing **Motorola's Supplemental Response to Plaintiffs' Motion to Compel and its Exhibits** with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

David Allan Felice
Cozen O'Connor
Chase Manhattan Centre, 1201 North Market, Suite 1400
Wilmington, DE 19801

I further certify that on this 13th day of March 2006, I mailed by United States Postal Service the foregoing **Motorola's Supplemental Response to Plaintiffs' Motion to Compel and its Exhibits** to the following non-registered participant:

Kevin F. Berry
Cozen O'Connor
1900 Market Street
Philadelphia, PA 19103

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ William W. Bowser

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